

1 I have that I'd like to talk about but really - well,
2 for example, let me just go down a few of these things.

3 What are the - are the poles - I have a
4 pole in front of my house. It's got a streetlight and
5 it's got electricity that comes into the house and it's
6 got a cable that comes into the house. It's a wooden
7 pole. It's an old wooden pole of the type that they
8 put up in the 30's. They replaced it, I think, but
9 anyway.

10 Is that the kind of pole that we're talking
11 about or is it something more exotic than that?

12 MR. LANGLEY: No, that's it.

13 CHIEF ADMINISTRATIVE JUDGE SIPPEL: That's
14 it. Just very simply plain, okay, all right.

15 Okay, and you say that besides - you do
16 have utility wires on this obviously. You've got the
17 cable wires on these poles and then you have other
18 types of wires. Is that correct, telecommunication
19 wires?

20 MR. LANGLEY: Yes, Your Honor. Usually like
21 in Gulf Power's case, a joint user, like an ILEC,
22 Bellsouth, and our case, GTC, Sprint.

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1 CHIEF ADMINISTRATIVE JUDGE SIPPEL: Okay,
2 all right, so I don't need to get into that but there
3 are different rates that are authorized to be charged
4 for telecommunication services versus cable services.

5 Both of you agree with that, right? I mean
6 you're not - I'm not asking for the wisdom of that, but
7 that's a fact of life.

8 MR. LANGLEY: Yes, Your Honor.

9 MR. SEIVER: Yes, Your Honor.

10 CHIEF ADMINISTRATIVE JUDGE SIPPEL: Okay.
11 The area is all in southern Florida?

12 MR. LANGLEY: No actually, it's in Northwest
13 Florida. Our territory runs roughly from the Alabama-
14 Florida line near Pensacola, over towards Tallahassee,
15 I think it's Bay County, the furthest --

16 MR. SEIVER: Bay County.

17 MR. LANGLEY: Which is where Panama City is.

18 CHIEF ADMINISTRATIVE JUDGE SIPPEL: So it's
19 more Northern Florida?

20 MR. PETERSON: Panhandle area.

21 CHIEF ADMINISTRATIVE JUDGE SIPPEL: Okay,
22 nothing important about that, but I'm just trying to

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1 get a vision of what's going on here.

2 MR. LANGLEY: Your Honor, may I add one
3 thing.

4 There actually is something important about
5 that. That's one of the reasons that there's been
6 delay here. That is that a substantial part of our
7 network was wiped out in mid-September by Hurricane
8 Ivan. What relevance that has on this proceeding, I'm
9 not sure, other than the delay but --

10 CHIEF ADMINISTRATIVE JUDGE SIPPEL: That's
11 why we're having this pre-hearing conference a bit late
12 was to accommodate that as best I could. I understand
13 that and I really do empathize with the folks, you
14 folks, down there that - what you've gone through.
15 That horrible stuff.

16 Okay, that's - those are just miscellaneous
17 things.

18 I'm going to just go right into the dates
19 because I'm a little bit - I'm still of the mind that
20 you know a lot about this case already with the two
21 years that it's been back and forth between the two
22 parties.

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1 Although, I don't that your dates are
2 unreasonable. I'm not saying that. I would like to
3 try and compress things a little bit.

4 Now, before I say that, before I go down -
5 to the down and dirty dates, do you have - I'm asking
6 you this Mr. Langley? Does your client have a
7 computerized system where maybe a software program or
8 some kind of a program, where you can identify each and
9 every pole in your system that has a wire that's on
10 there - a cable that's on there by the complainants?

11 Can you do that?

12 MR. PETERSON: The answer is no.

13 CHIEF ADMINISTRATIVE JUDGE SIPPEL: No?
14 Well, what kind of a system - how do you - what kind of
15 an accounting system do you have then for your poles?

16 MR. PETERSON: The records system, I
17 wouldn't call it necessarily an accounting system. We
18 do have accounting for purposes of when the permitting
19 is undertaken and the charges are in there for the
20 counts.

21 As for the actual attachments and what's on
22 there we - everything that is mechanical will be paper.

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1 With any, from the initial --

2 CHIEF ADMINISTRATIVE JUDGE SIPPEL: It's
3 all hard copy?

4 MR. PETERSON: It's all hard copy and in
5 the different divisions throughout the panhandle.

6 CHIEF ADMINISTRATIVE JUDGE SIPPEL: All
7 right, now in the course of this litigation, going back
8 to two years ago or whatnot. Has there been anything
9 done to corral the information in those and relate them
10 to this - to these particular - this particular party
11 here, being a conglomerate of cable companies?

12 MR. PETERSON: The answer - I think the
13 broad answer to that to - for purposes all easy
14 discovery here is no.

15 There have been some over billed situations
16 like Mr. Seiver talked about Knology. He came in and
17 over billed on some of the party's poles here in the
18 Bay County, Panama City area.

19 Those sort of things and there's records
20 there that are readily available and we're examining
21 our matters regarding Knology.

22 As for over this two-year period, we've

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1 been in kind of a stayed period and also as we've
2 talked about this is a matter of first impression
3 because we now have a new standard where these - this
4 type of information now becomes relevant by Judge
5 Tjoflat's decision.

6 So the compilation both, I believe, even
7 from the cable companies and us - I don't believe it's
8 readily accessible on a computer, either by them or us.

9 CHIEF ADMINISTRATIVE JUDGE SIPPEL: What -
10 I'm sorry I didn't mean to cut you off before you
11 finish. What would be the burden imposed upon you if
12 I were to require that you make a determination on a
13 pole by pole basis as to exactly what pole - well, it
14 would be broken down something like this.

15 Identify each and every pole which has a
16 cable attachment by one or several of any of the
17 complainant's parties and then two, describe what else
18 is on each of those poles?

19 MR. PETERSON: What in being - that was the
20 question that I asked my staff when we first got this
21 Order several months ago.

22 The answer is this, number one, we would be

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1 able to identify from charts, generally what poles that
2 we know have an attachment on there but they're not
3 that accurate. So therefore, in order to get accurate
4 information per pole, it would require staff -
5 personnel actually going back into each division's
6 records and reviewing each record and each pole permit
7 to identify - take physically the papers, find the
8 number for that pole, and go and jot down that
9 information.

10 Then as for what's existing on the poles,
11 or what was on the poles, it would require pole survey.
12 Physically going out, taking pictures, looking at each
13 of the poles in the whole service area.

14 CHIEF ADMINISTRATIVE JUDGE SIPPEL: Okay,
15 if I were to say to you that that I'm sympathetic to
16 your position that that you're entitled to the extra
17 compensation under the 11th Circuit standard. I can't
18 figure out - I can't get to that number unless you hire
19 a consultant firm to get these poles pinned down one-
20 by-one.

21 Would that be in your interest to consider
22 doing that?

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1 I mean, this is a big job. Let me just
2 footnote that a bit. I understand that you don't take
3 an existing team of workers that are doing things on a
4 day to day basis and you say, okay, just stop all that
5 and we're going to go over and we're going do this
6 thing that this Judge ruled - remain unnamed, up in
7 Washington wants us to do.

8 What about going out and hiring a
9 consultant firm? It does not sound the way consulting
10 firms go into companies these days that this is
11 something that would be too difficult for them to take
12 on.

13 MR. PETERSON: That is a possibility.

14 CHIEF ADMINISTRATIVE JUDGE SIPPEL: Would
15 you consider doing that?

16 MR. PETERSON: That is a distinct
17 possibility. We would have - we would consider it and
18 we'll go back to the client and suggest that to them.

19 CHIEF ADMINISTRATIVE JUDGE SIPPEL: Because
20 it also seems to me - and I'm not operating - I'm in -
21 I have no business judgment whatsoever, so don't take
22 it in that sense but if you - if what Mr. Langley, I am

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1 certain Mr. Langley was telling it as it is. You would
2 have X number of poles out there that you don't really
3 even know what the heck is on them.

4 That would make sense to try and find that
5 out from a business standpoint. Particularly in light
6 of the fact that we're getting into this business of
7 you know, the 11th Circuit/whatever.

8 MR. PETERSON: We don't readily - we do not
9 - we are not able to readily know what's on them right
10 now. Of course, this is a whole new world with the new
11 11th Circuit decision as to what you now need to do to
12 account.

13 That's where are and of course we're in the
14 process here of looking at that. I think the
15 consultant suggestion is a good suggestion and
16 something we can bring back to our client.

17 CHIEF ADMINISTRATIVE JUDGE SIPPEL: Okay,
18 well you appreciate where I'm coming from.

19 MR. PETERSON: Yes sir absolutely.

20 CHIEF ADMINISTRATIVE JUDGE SIPPEL: Because
21 if you got these now. You're charging, I mean, you're
22 doing what seems to me is the most reasonable thing to

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1 do under the circumstances.

2 You're charging them the low end of the
3 scale - of the potential scale, you're charging them
4 now. You may not agree with that, Mr. Seiver, but when
5 your talking about \$4.00 to \$5.00 a pole - that, in the
6 old English, that does not shock the conscience of the
7 Court.

8 It's when you get into the \$30.00, \$40.00
9 range, that I start thinking seriously about it.

10 You're riding on a pretty acceptable deal
11 right now. It seems to me. The question is when you
12 start moving beyond that based on this 11th Circuit
13 holding that the problems really start to be created.

14 So, if we can identify the universe of what
15 we're dealing with, it would accommodate two things.

16 First of all, it would put the record in
17 the position where - a reasonable position where I
18 could make a decision if it comes to that and secondly,
19 it might induce settlement.

20 I mean if you can show the other side that
21 you have got hard evidence or evidence which is
22 reliable and it's persuasive, I think that reasonable

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1 parties accept that and say that well, maybe we ought
2 to cut this thing now and not let the thing wander
3 around in the system for X numbers of months or years.

4 MR. PETERSON: One of the other things
5 we're considering too, also, and since we're in the
6 litigation and working this sort of thing. Is
7 obtaining what information the cable companies have as
8 to their putting on those attachments.

9 The information as to what they indicate
10 that they have and the time frames and those sort of
11 things too. So, we would expect that there be some
12 documentation - we don't believe, based on talking
13 actually with some of the staff of the company's
14 operationally, that they have the computer system or
15 accounting all of that information, or GPS system that
16 would indicate where their attachments are.

17 CHIEF ADMINISTRATIVE JUDGE SIPPEL: Well,
18 we could ask Mr. Seiver. I make this always of the mind
19 that discovery you come to a two way street.

20 The distinction that I'm making here this
21 morning, however, is that you all have the burden of
22 proof. You all being Gulf Power. So you, in a sense,

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1 have to go first.

2 MR. PETERSON: Yes, sir.

3 CHIEF ADMINISTRATIVE JUDGE SIPPEL: On the
4 other - however, with respect to discovery, there is
5 the overlap and I would expect that there be
6 simultaneously was exchanged.

7 I think this is what your schedule
8 contemplates for anyway.

9 MR. PETERSON: That's correct, sir.

10 CHIEF ADMINISTRATIVE JUDGE SIPPEL: It
11 sounds like as far as your approach is concerned that
12 you got a meeting of the minds there.

13 All right, well, now, the question is how
14 much urgency can I put on this request that I made of
15 you. I don't know. I'm going to set these dates
16 anyway, but I'm going to be pushing on that. Because
17 I can tell you this and you can go back and tell your
18 clients if they don't come up with something of the
19 nature that I'm talking about this is going to be - and
20 this - and both parties are serious about litigating
21 this to the end.

22 This is going to be - this can get into

1 becoming a very unpleasant situation. Just by virtue
2 of the nature of the evidence as I see it and what is
3 going to be contested every inch of the way.

4 But if you can give me something that I can
5 be convinced of as a reliable, in effect a study of
6 your poles. Because this case is all about poles.
7 That's all this case is really about.

8 Once we get the pole issue resolved which
9 means a - yes, a working definition of what does it
10 mean to have a fully occupied pole and the other
11 things, all those ramifications.

12 Once we get the poles, once we get - or I'm
13 satisfied that there is a way of addressing that, then
14 these other questions of what is a reasonable measure
15 of damages in light of the fact, and as I'm telling you
16 and you can relay this again to your client that this
17 is a charge that's being assessed in a market that is
18 not a market.

19 Where you do have - I'm accepting the fact
20 that you do have a form of monopoly power. So that
21 your measure of damages has to be a bit creative in
22 terms of taking that into account.

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1 Having said all that, it still goes back,
2 as far as I can see it, it's all the poles. Once we
3 get the poles under control, everything else will flow
4 from that and it will be relatively clear sailing.

5 Although I do suspect that if this goes all
6 the way to a decision there will be one party in this
7 courtroom that I doesn't like the way I did it.

8 That's the way it goes. At least we'll get
9 to the end of it in an amicable way, I think.

10 All right, when can you tell me? When can
11 you tell me? I'm leaving the country to visit
12 grandchildren in Germany on the 21st of December and I
13 won't be back until the 5th of January.

14 So, give me a status report - I'll give you
15 a date certain. Sometime in the second week of
16 January?

17 MR. PETERSON: That will be fine, Your
18 Honor.

19 CHIEF ADMINISTRATIVE JUDGE SIPPEL: Okay,
20 let me give you a date. I will - let me say, well, the
21 second week, that's - let me give it to you - let me
22 say January 11th, because the first week of January is

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1 really only one day. So January 11th.

2 For here, I am going to call it a status
3 report now. I intend to get an Order out on that in
4 the next day or so on that specific thing so that you
5 will have a piece of paper to also talk to your board
6 or executive people about. Don't feel constrained by
7 it.

8 In other words, I'm looking for a product,
9 which is the best product that you can produce. I'm
10 not trying to design the product myself. It has to
11 account for poles. In some way, shape or form it has
12 to account for poles on an individual basis and what is
13 on those poles.

14 In the first place - the first start would
15 be - only the poles that pertain to these particular
16 clients. It doesn't mean your whole system.

17 If you want to do your whole system, be my
18 guest. I'm requiring only that the - only the poles
19 that are an issue in this case which are the ones that
20 Mr. Seiver's clients are attached to.

21 Okay, I would also require - I will be
22 requiring in addition to what the physical part of

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1 what's there, is any plans that you have for the
2 development - any other development of those poles.

3 Now that does not have to be - you may want
4 a consultant to do that for you or you may want to do
5 that independently of the consultant. At some point in
6 time, you're going to have to come up with that. It
7 has to be a reasonable period of time you're going to
8 have to come up with that information.

9 In other words, you must have plans that
10 are in existence - every corporation has planning
11 documents. They love planning documents. So, I'm
12 assuming that Gulf Power has them, too.

13 MR. PETERSON: They do.

14 CHIEF ADMINISTRATIVE JUDGE SIPPEL: If
15 they're broad and they're irrelevant by either my
16 standards or the other - you know Mr. Seiver, if the
17 complainants are going to argue that they're
18 irrelevant. Fine, that can be the case.

19 The point is that whatever you have, I want
20 to get out on the table and have everybody look at it.

21 Okay. Not me personally but have the other
22 side look at it. What I intend to do is when this

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1 element gets pulled together in some way would be to
2 have another - would be to require some kind of filings
3 on this and have another pre hearing conference to be
4 sure that I can see where this thing is going.

5 Because if we can get this thing narrowed
6 on an evidentiary basis this thing is - we'll be able
7 to try this case without, I think, without too much
8 trouble.

9 I may regret I said that but anyway.

10 So, what I'm going to do is - now, I'm
11 going to require also - so in addition to - let me make
12 sure I'm keeping track of this. In addition to a
13 report back on - I'm going to generically call it a
14 consultant's report.

15 If that is the willingness of the company
16 to go along with that. You're also going to turn over
17 at that time all existing planning documents with
18 respect to the complainant's poles. I am going to call
19 them the complainant's poles now. Again if you've got
20 the planning documents that pertain to all of the poles
21 that are in your system and there is a way that you can
22 either delete or somehow or other or pull out the other

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1 part because you got business reasons why you don't
2 want to disclose that at least in this first round,
3 that's all well and good. On the other hand, if you
4 want to give them everything, that's even better.

5 I'm going to use that same date and again,
6 it's what's there. It's what's in - you open the file
7 cabinet, you look in you say, oh, here they are and you
8 just deliver them. That's all you need to do.

9 MR. LANGLEY: Your Honor, the parties can
10 meet jointly with a proposed protective order before
11 that. Would you be willing to entertain it? It might
12 ease the --

13 CHIEF ADMINISTRATIVE JUDGE SIPPEL: Yes,
14 yes. I could - you're going to have to get to me before
15 next Monday. You have to get it to me either the end
16 of this week or wait until I get back.

17 That will be the first week in January.

18 Am I looking at the right year?

19 MR. SEIVER: Just to help out on that, Your
20 Honor, we would agree to maintain anything we got
21 confidentiality until you have, Your Honor had the
22 opportunity to sign anything. So --

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1 CHIEF ADMINISTRATIVE JUDGE SIPPEL: Thank
2 you. Thank you.

3 See what I'm talking about. This is what
4 I'm talking about. January 11th. Just go in and pull
5 out everything that you can. Give it to Mr. Seiver.

6 Mr. Seiver I'm going to ask you to do the
7 same thing. Everything that you have with respect to
8 these poles, that relate to the subject that we're
9 talking about here. I don't think that I have to go
10 and delineate that here.

11 I don't know why - I don't know. I don't
12 see why they would have to come up with any planning
13 documents because the planning documents - how can you
14 plan for somebody else's pole?

15 I mean you really just want to really know
16 what they have that's first hand - essentially first
17 hand knowledge of what's with the poles as far as their
18 concerned.

19 MR. LANGLEY: Unless they're planning to
20 build their own pole network in which case we would
21 like to know that.

22 CHIEF ADMINISTRATIVE JUDGE SIPPEL: Well -

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1 I don't think you're going to get that here.

2 MR. SEIVER: Your Honor, I'm sorry, Your
3 Honor, just so I understand.

4 I mean they've invoiced us - they have all
5 the invoices and what's gone back and forth. I'm
6 presuming then anything that we have that shows a map
7 or something of our facilities.

8 Is that what --

9 CHIEF ADMINISTRATIVE JUDGE SIPPEL: Some
10 kind of a cumulative report.

11 I'm not going to require it - I mean, I'm
12 sure in discovery they're going to get this. I don't -
13 I mean this is a relatively quick turn around. I f
14 you have a - some kind of a document. I don't know how
15 you do it, either in chart form or something that has
16 an accounting system within your organization.

17 Well, you have to go actually down to the
18 five cable companies. In terms of what do they have on
19 Gulf Power's system?

20 No matter how minimal that information
21 might be, no matter how extensive that information
22 might be, but anything that bears on - I mean you know

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1 where we're going on this.

2 We're trying to determine what's on each of
3 the poles in the system. Anything that you have to add
4 to that they're entitled to get.

5 You know they're going to get it eventually
6 if they got to go through depositions and
7 interrogatories, and everything like that. I'm trying
8 to short circuit as much of that as I can.

9 So, I'm leaving it to you. Again, you are
10 also are to report back on January 11th. What's going
11 on from your standpoint in that respect? You're either
12 in the process of doing it or something is being put
13 together.

14 I take it that you don't know anymore than
15 I'm asking. Is that right? I don't really know.

16 MR. SEIVER: I have no idea and the only
17 other concern I have is since this was related back to
18 the 2000, 2001 timeframe of our complaint is Your Honor
19 wanted historical documents.

20 That's easier to at least determine whether
21 we have them or not as opposed to something that's
22 current.

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1 CHIEF ADMINISTRATIVE JUDGE SIPPEL: I think
2 we ought to stay with - unless the Bureau's got it - if
3 you've got a different view on this, but I think for
4 the time being anyway, that the period that's alleged
5 that's the subject matter of this hearing order
6 designation is that defined period in the 2000 - 2001
7 timeframe.

8 MR. LANGLEY: Well, Your Honor-

9 CHIEF ADMINISTRATIVE JUDGE SIPPEL: Now go
10 ahead, you tell - go ahead --

11 MR. LANGLEY: We do have a slightly
12 different position on that. The evidence that we
13 described in our description of evidence, which is what
14 spring boarded us into this forum here had a broader
15 temporal scope than that.

16 In fact, went as far forward as 2003, I
17 believe. The hearing designation order says that Gulf
18 Power should have an opportunity to produce the
19 evidence described in its submission, which goes into
20 2003. Beyond that, I don't think that they're here just
21 saying that the only thing that we're trying to hold on
22 to for the cable rate is these poles during this narrow

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1 period of time.

2 I think their mission is broader and
3 certainly, ours is also.

4 CHIEF ADMINISTRATIVE JUDGE SIPPEL: All
5 right, well, why don't you do this? Why don't you all
6 then agree to the time frame? You all figure it out
7 yourselves then.

8 I agree with what you say specifically
9 about - that's true. You are bound to put on proof
10 based on the four corners of that document that you
11 submitted in response to the Bureau's last ruling.

12 So, at a minimum that's required. So, any
13 date that would apply there.

14 You all agree to a date that's as far out
15 as you want to take it.

16 I very much - I expect that you're all
17 going to do this in a way that's going to put this case
18 in a position where all the issues can be resolved.

19 I mean I don't want to resolve this thing
20 half way. So - Okay.

21 Okay, that's - so you've got two things.
22 The consultants - the report back on whether or not a

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1 consultants report is feasible and willing to be done.

2 Then secondly, the existing planning
3 documents with respect to the complainant's poles.
4 That's for cable - that's for Gulf Power.

5 Then for Mr. Seiver's clients, it would be
6 something like - comprehensive documents with respect
7 to each cable company and the attachment of - the
8 attachment procedures for each pole.

9 Something of that nature.

10 I'll - I think I can do this in such a way
11 that you'll get the jest of what I'm looking for and I
12 have to rely on your good faith that you're going to go
13 after that information and exchange it.

14 Then preliminary - I'll issue a preliminary
15 confidentiality requirement. Again, you'll also have
16 the discretion to pull off any documents that relate to
17 or exclude any documents that relate to other business
18 arrangements.

19 Although at some point, you'll probably -
20 you'll have to somehow or other identify or account for
21 what it is that you've excluded. For these purposes
22 now, I don't think that you need to do that.

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1 You're just going to - each of you are
2 going to respectively tell the other party with a cover
3 letter or something, okay, here are the documents that
4 were given to you pursuant to the Judge's Order dated
5 such and such. Okay.

6 We're recognizing that that's just the
7 beginning.

8 MR. SEIVER: Your Honor, in addition to the
9 status report, would the Court like copies of whatever
10 it is that we exchange?

11 CHIEF ADMINISTRATIVE JUDGE SIPPEL: No. I
12 really don't.

13 MR. SEIVER: All right. I'll spare you.

14 CHIEF ADMINISTRATIVE JUDGE SIPPEL: If -
15 well, it's not a question of sparing me, it's not going
16 to do me any good. I mean, it's just not going to do
17 me any good.

18 You're going to have to explain to me,
19 based on what you tell me I'd be inclined to set up
20 another pre-hearing conference and have you really
21 explain to me - at some point in time, I'm obviously
22 going to see that.

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1 This might just be the beginning of
2 something more. I don't know, I can't tell sitting
3 here what it is that's going to happen with this.

4 I'm going to use that January 11th as being
5 a pivotal date and then from there, I'm going to set
6 off dates starting 30 days from January 11th to start
7 your normal discovery procedure, i.e., serving
8 interrogatories.

9 In other words, your interrogatories that
10 you are going to serve 30 days from thence would
11 hopefully be based in part on what you're going to get
12 on the 11th of January.

13 So, I mean I'm thinking this is going to
14 help. You already have maybe your standard
15 interrogatories that you're going to ask anyway. This
16 should help sharpen what it is that you're going to be
17 asking for.

18 Then I'll just - I'll just go down the
19 dates that you've given me and the tasks that you've
20 given me on your joint proposed schedule and I'll just
21 set the dates.

22 Try and keep things in a spaced out, as you

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1 have done it, to the extent that I can. Some of the
2 dates you may not agree with and I really don't - I
3 really would like very much to see this case be set
4 down for trial.

5 I intend to do it really - to set a trial
6 date in early February 2006.

7 I appreciate everything that you've done
8 and why you're setting dates to allow for a lot of
9 things that maybe even I can't anticipate, but although
10 this is a very complex complicated case, at least I
11 think it is.

12 I still think that we got the resources
13 here to get this thing to trial by next February. I
14 set the dates and you either live by them or complain
15 about them.

16 Anybody have anything more?

17 MR. SEIVER: Very briefly, Your Honor.
18 This has been very helpful and I think that perhaps
19 maybe if we had another conference after the 11th, but
20 before everything starts really rolling along, if the
21 other side would be interested in that.

22 We could have maybe formed better - I'm

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1 hoping that we have - that our status report will say,
2 here's our documents. I don't know yet whether we'll
3 have that. I'm not sure whether Gulf Power will
4 actually have documents to attach.

5 If they're going to be saying we've got a
6 consultant, well, consider doing this.

7 I thought perhaps once we got passed that
8 filing of the 11th, that if we had another pre-hearing
9 conference, then we might be able to say, well, this is
10 where we can shorten time. This is where we might need
11 longer time and benefit Your Honor's procedural
12 schedule that way.

13 MR. LANGLEY: Gulf Power is open to that.

14 CHIEF ADMINISTRATIVE JUDGE SIPPEL: You
15 would be --

16 MR. LANGLEY: Yes.

17 CHIEF ADMINISTRATIVE JUDGE SIPPEL: All
18 right, well, let me just send - you will have
19 everything for 24 hours, well, I'll make it by Friday.

20 By Friday, January 14th, then it can be - if
21 you both do it together - if you're both interested to
22 file it jointly.

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1 If not, whoever is interested in having a
2 pre-hearing conference. Requesting a conference,
3 requesting a date, before the end of January, that's
4 convenient to you all and giving me an agenda, what it
5 is that you'd like to discuss.

6 Then I'll add my own from there.

7 It may very well be when you give me the
8 status report, I mean, I may be asking for documents or
9 something specific.

10 I think for the beginning part, I don't see
11 any point in giving me what it is that you're going to
12 explain to me in the pre-hearing conference anyway.

13 If either party feels constrained that I
14 should see what it is, I - you could, ask leave to
15 submit it.

16 I'm not trying to just cut this off
17 completely, but I just get the feeling that I'm going
18 to learn about it certainly before February 2006. I
19 don't need to jump into it that fast, I don't think.

20 We'll see.

21 How about the Bureau? Mr. Shook anything
22 that's --

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1 MR. SHOOK: Your Honor, what I have in mind
2 is simply to talk to the parties after we're off the
3 record and after you have left, to go over some ideas
4 perhaps of how to short-circuit this.

5 I don't think what I have in mind is really
6 meant to alter what you have done to this point.

7 CHIEF ADMINISTRATIVE JUDGE SIPPEL: All
8 right, well, I take it that the Bureau doesn't - I
9 mean, you don't have any objections as to the way this
10 is preceding thus far.

11 MR. SHOOK: No. No.

12 CHIEF ADMINISTRATIVE JUDGE SIPPEL: All
13 right, that's fine. I don't want to leave anybody
14 unhappy. Okay, we are in recess then until then the
15 pre-hearing conference and I will await your filings on
16 the 11th of January and I will get an Order out by
17 sometime by tomorrow, certainly you will have an email,
18 again, just repeating everything that we've done here
19 on this January 11th date.

20 Thank you, very much.

21 (Whereupon, the above-entitled matter went
22 off the record at 11:19 a.m.)

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Name of Hearing

EB DOCKET NO. 04-381

Docket No. (if applicable)

445 12th STREET, S.W., WASHINGTON, D.C.

Place of Hearing

DECEMBER 13, 2004

Date of Hearing

We, the undersigned, do hereby certify that the foregoing pages, numbers 1 through 105, inclusive, are the true, accurate and complete transcript prepared from the reporting by

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